

1 clear it up.

2 BY MS. LANCASTER:

3 Q Did you still participate in any policy decisions
4 made at DLB?

5 MR. ROMNEY: Objection, vague and ambiguous.

6 MR. PEDIGO: Your Honor, we would object too.
7 Could you just establish the timeframe because there has
8 been this November --

9 JUDGE STEINBERG: This is all prior to November,
10 2000.

11 MS. LANCASTER: This is prior to the end of
12 November.

13 MR. PEDIGO: Okay.

14 MS. LANCASTER: He stated at the end of November
15 he stopped going into the office as regularly. So I asking
16 him prior to that time.

17 MR. SCHWANINGER: Immediately prior to that time
18 or at all times prior to that time?

19 MS. LANCASTER: Immediately prior to that time.

20 MR. SCHWANINGER: Thank you.

21 JUDGE STEINBERG: And the objection is to the word
22 "policy"

23 MR. ROMNEY: Yes, I don't understand what that
24 means.

25 JUDGE STEINBERG: Okay, if you want to sharpen

1 that up a little.

2 MS. LANCASTER: I'd love to if I could think of
3 how to do it, Your Honor.

4 JUDGE STEINBERG: You can come back to it.

5 MR. PEDIGO: Just go to the next one.

6 BY MS. LANCASTER:

7 Q How are management decisions made at DLB?

8 A Just right after -- just before or during -- can
9 you give a time?

10 Q During the time that you were there, the whole
11 time that you were there.

12 A Okay, management decisions, which was -- if
13 something come up and we needed to talk about it, we would
14 talk about it there, the four of us, as a general thing, and
15 we kind of get a general feeling that this is what we want
16 to do, and that's what we did. It was, David, what do you
17 think about this? Or, Pat, what do you think about this?
18 And we would kick it around.

19 If we had a customer that was very irritated, we
20 would talk amongst ourselves and then sit down with the
21 sales manager and ask him to go and handle that situation.
22 It was -- it was -- oh, I'm sorry.

23 JUDGE STEINBERG: I'm sorry.

24 THE WITNESS: It was a -- it's kind of a group
25 with a -- if you think about a large company where you have

1 people on different floors and different things like that
2 and they meet and discuss this stuff formally, that doesn't
3 happen in a small company.

4 A small company, like I may see David 10 minutes
5 in the morning, and say we got a problem with an install we
6 did. Okay, how are we going to correct that? That's the
7 major decisions we may face all day. How are we going to
8 correct that install?

9 JUDGE STEINBERG: You referred to the four of us.
10 Could you tell us who the four of us?

11 THE WITNESS: The four is Pat, Diane, David and
12 myself.

13 BY MS. LANCASTER:

14 Q Do you recall giving a deposition in November?

15 A Yes, ma'am.

16 Q Do you recall telling me that it was management by
17 committee?

18 A Correct.

19 Q Okay. And do you recall telling me prior to you
20 retiring from the company the committee consisted of you and
21 Pat and David and Diane?

22 A Correct.

23 Q Do you recall telling me that since your
24 retirement the committee consists of David and Diane?

25 A And Pat.

1 Q And Pat?

2 A And Pat, and a lot of committee decisions that you
3 talk about we do at home. David and Diane lives next door.
4 You don't just turn your company off and then go home.
5 Sometimes we are over and we discuss things as a committee.

6 Q So you still -- I'm sorry. Go ahead.

7 A As a shareholder, I still -- as a shareholder, I
8 still feel I have a right to discuss to protect my interest.

9 Q So you still participate in the management
10 decisions?

11 A Nowheres near like it was before I retired. It
12 was purely a training thing now, or then for David, and at
13 that time to learn. Once he started taking over certain
14 activities, my advice was not required or not needed.

15 Q Let me go back for a moment. You talked about
16 when David first joined the company, he went through a
17 period of training.

18 A Yes, ma'am.

19 Q And learned sales and learned installs and learned
20 the various function of the company, is that correct?

21 A That's correct.

22 Q And when you decided to retire in 1998, had David
23 become competent in all these areas that you felt
24 comfortable enough leaving him be in charge of these
25 particular areas, all the various areas of the company?

1 A Judy, once you start a company, and just Pat and I
2 started it, and you bring that thing up from laying on the
3 ground and put a little air into it, no matter how you feel
4 at the end you don't think anyone can do as good as what you
5 do. But I know the circumstances, and I know it needed to
6 be done. Yes, I felt comfortable at that time.

7 Q So at that time you basically withdrew your
8 primary functions in the various ares of the company.

9 A Yeah.

10 Q Is that correct?

11 A Correct.

12 Q And you just stayed -- you still do some advice
13 when you are around and you are discussing issues which
14 affect the company; is that --

15 A Correct, that's correct.

16 Q -- how I ought to understand your testimony? Is
17 that correct?

18 A That's correct.

19 Q At this point who runs the day-to-day operations
20 of the company?

21 A David does.

22 Q I believe you stated that you get no income from
23 DLB at this point in time, is that correct?

24 A That's correct.

25 Q Do you have other services that are provided by

1 DLB? For example, do you have a radio in your car?

2 A No.

3 Q You do not?

4 A I do not.

5 Q Are there any other privileges that you would get
6 through DLB --

7 A No.

8 Q -- at this point?

9 A No cellular phone, nothing.

10 Q How about Pat, does Pat still get paid by DLB?

11 A That's correct.

12 Q What does she --

13 A That I do not know. I have never seen her checks,
14 and I never seen mine all the time I was with Sears. It all
15 went to the bank, and that never did bother me, so I don't
16 even know what she makes.

17 Q You and Pat have a joint checking account?

18 A Yes.

19 Q Savings account?

20 A Yes, ma'am.

21 Q Explain to me the two types -- as I understand it,
22 there are two types of accounts at DLB. There is a DLB
23 account and there is a Brasher?

24 A Brasher.

25 Q Brasher account. I'm sorry. I always seem to

1 mispronounce your name. What were the purposes of the two
2 accounts and can you describe the different functions of the
3 accounts?

4 A If I do, it would be subject to I'm not so sure
5 because that area I did not get into, but I can start you
6 off and work through it with you.

7 Q Okay.

8 A The Brasher account was set up, it was suggested
9 and set up by Jim Sumpter, with Pat. The idea at that time
10 in the Brasher account, the equipment, the repeaters that we
11 bought ourselves, our name, Brasher, the personal, it was
12 brought in personally to the Brasher account. That was used
13 as a depreciation to our personal income at that time.

14 It was also a clearing account for site rentals
15 and -- site rentals, and writing checks to neighbor, John
16 Black, and FCC.

17 Q What monies go into that account?

18 A Judy, that I -- I am almost sure from what I have
19 learned that it is a payment from Metroplex Two-Way, but
20 Judy, that -- I am only going by what I understand.

21 Q Who is in charge of the accounts payable and the
22 accounts receivable, and who would be in charge of these two
23 accounts?

24 A Pat and Diane, and at the time Sumpter, whenever
25 he was doing it.

1 Q Would your current accountant be familiar with
2 this also?

3 A I do not know, but I would assume he would.

4 Q Okay.

5 A I'm only assuming.

6 Q The DLB account, do you have any knowledge of the
7 function of that account?

8 A It receives money from the customers for service
9 we provide, and it goes in that account, and then that's
10 used to pay all the other bills that DLB and Metroplex
11 incurs, and payroll.

12 Q You made a comment earlier about the repeaters
13 that you and Pat had purchased.

14 Did you and Pat buy repeaters that are used for
15 Two-Way Radio? Did you pay for those personally?

16 A I believe so, Judy, but I -- I think we did.

17 Q And is that equipment -- so that is the equipment
18 that's used by the various stations owned by the various
19 licensees, is that correct?

20 A Yes, including ours and DLB's and Metroplex's and
21 David's and Diane's stations, that equipment is the backbone
22 of that.

23 Q And is that equipment then rented to DLB?

24 A I believe that's the way it's set up, and
25 Barbara -- I mean, Judy, we may need to let our accountant

1 clarify that, you know. I tried to stay away from the
2 finance part of it because I always figured that, you know,
3 if someone else took care of that and I did my part on what
4 I was wanting to do, or needing to do, that everything would
5 fit together.

6 Q Do you rent the towers? Do you rent space on
7 towers?

8 A Space on towers, yes.

9 Q You don't own any of the sites?

10 A No. I wished I did though, but I don't.

11 Q It's my understanding from your testimony that Jim
12 Sumpter started out originally as the accountant for DLB, is
13 that correct?

14 A He originally started out. He did our personal
15 income tax when I was at Sears because I had a situation
16 where I -- that the law in Illinois was that I had to pay
17 income tax, but yet IRS classified my home as in Dallas. So
18 if the law stretches around, then I shouldn't have to pay
19 income tax because my residence was in Texas, and they don't
20 have income tax there.

21 So there was a lot of traveling around for the
22 company and back and forth to take care of rental property
23 that we had, I had. That required someone besides me
24 filling out the little forms and sending them in. So when
25 that happened, Jim Sumpter took over our personal

1 accounting.

2 Q Okay. And when DLB was -- strike that. I believe
3 you testified a little earlier that when you were
4 considering, you and Pat were considering starting DLB, you
5 consulted Jim Sumpter in his accounting capacity to give you
6 advice as to whether or not that was a good business
7 investment, is that correct?

8 A That's correct.

9 Q Is that correct?

10 A That's correct. At that time the Sumpters were
11 not in the -- they were struggling to maintain their own
12 identity. Their income was very, very low. And they
13 started their income working then. So you know.

14 Q Did Jim Sumpter become the accountant for DLB when
15 DLB started business?

16 A Correct.

17 Q Okay. And he was the accountant for DLB up until
18 when? Do you recall?

19 A December 1997, I believe it was when he cancelled
20 two days before the end of the year.

21 JUDGE STEINBERG: Can we go back a little?

22 MS. LANCASTER: Certainly.

23 JUDGE STEINBERG: This is with Jim Sumpter, and I
24 don't know if this is going to be important or it's not
25 going to be important, I think, when you were considering

1 buying DLB/Metroplex?

2 THE WITNESS: No, sir. We were considering buying
3 another --

4 JUDGE STEINBERG: Somebody else's, right.

5 THE WITNESS: Somebody else's business.

6 JUDGE STEINBERG: Right, and I thought that was
7 called DLB/Metroplex too?

8 THE WITNESS: No. No, sir.

9 JUDGE STEINBERG: Oh, okay.

10 THE WITNESS: It was a -- I'm sorry, Your Honor.

11 JUDGE STEINBERG: Go on, explain.

12 THE WITNESS: It was another company, which in the
13 radio business it's very -- everybody knows what everybody
14 is doing, and this was an opportunity, we thought, to buy a
15 company that already had existing customers.

16 JUDGE STEINBERG: Okay. So then you went to Jim
17 Sumpter and he analyzed the situation?

18 THE WITNESS: Correct.

19 JUDGE STEINBERG: And then what did he tell you?

20 THE WITNESS: No, do not buy it.

21 JUDGE STEINBERG: Then what did he tell you?

22 THE WITNESS: Start a company of your own.

23 JUDGE STEINBERG: Okay, that's what I thought he
24 said before, but his recent testimony was it included the
25 part about conferring with Jim about buying the other

1 company. It just -- well, anyway, the record is clear now,
2 I think.

3 MS. LANCASTER: Sorry if I asked it --

4 JUDGE STEINBERG: No, no, that's okay. I didn't
5 know if it was going to be important, but I wanted to
6 clarify because that -- I didn't remember it the way you
7 asked it.

8 MS. LANCASTER: Sorry.

9 BY MS. LANCASTER:

10 Q Okay, you say that Mr. Sumpter resigned as your
11 accountant in December of 1997?

12 A Correct.

13 Q And who was your accountant, who took over the
14 accounting function for DLB?

15 A It was a woman who had it about seven or eight
16 months, and, Judy, I cannot think of -- Hazel, Hizlen or
17 something like that. She created a tremendous amount of
18 problems, and Diane and Pat decided that they better find
19 another one, and that's when they found Mr. Hill.

20 Q And so Mr. Hill has been -- this is Steve Hill, is
21 that correct?

22 A Steve Hill.

23 Q He has been the accountant for DLB since when?

24 A I would estimate it would be '90 -- part of '98,
25 maybe -- no, '98, part of '98, all of '99, 2000 and 2001 so

1 far.

2 Q Tell me the types of documents and the volume of
3 documents that DLB gives on a monthly basis to the
4 accountant.

5 A Steve Hill, I am not sure what they do with Steve
6 Hill because -- right after that period of time. I do know
7 what was given to the Sumpters because I pulled those files.

8 Q Okay, tell me what was given to the Sumpters?

9 A Okay. It was all the details that we have in our
10 banking, all the checks we write, all the stubs, all of the
11 transactions for every customer, all of the invoices for
12 every customer we have; a documentation of the customer's
13 revenue by account number, by invoice on sheets, sales tax.

14 We furnished everything to the Sumpters, I mean,
15 to Sumpter Accounting, including every sheet that we did
16 business with, every check we wrote, every stuff we did for
17 charity, everything we did went to Sumpter every month.

18 Q On average, can you estimate how many pages of
19 documents that would be?

20 A Pages. Let's say eight and a half, and you put
21 the little stubs and everything together, probably upward of
22 100, maybe 50; 50 to 100, I would think.

23 Q Fifty to 100 pages each month?

24 A Yeah. Because he had every check stub that we
25 wrote for the entire month, all the payroll checks, all of

1 the -- everything we did no payroll went to him also.

2 Q When you stated that you pulled the documents to
3 give to Mr. Sumpter, did someone give you these documents to
4 give to Mr. Sumpter, or did you go and pull them yourself?

5 A The book that Sumpter sent back to us was a
6 recompilation of all the detail. I just pulled his books
7 and sent them in, exactly what he had sent back to us.

8 Q But I thought you stated that you were sending him
9 all the new stuff that came in each month?

10 A No, you asked what we was sent to you, I thought.

11 Q No, what --

12 A Oh, what we sent to him?

13 Q Right.

14 A Oh, I did not pull all that. I just pulled the
15 recap that was sent to you. That's what we pulled. What
16 he had was everything we did.

17 Q Right.

18 A But that --

19 Q I guess what I am trying to ask you is if you
20 pulled all of the documents that went to Mr. Sumpter each
21 month, were you aware of, for example, what checks were put
22 into which account, and any ledgers for the various
23 accounts? Remember me asking you about the DLB account
24 versus the Brasher account?

25 A Yes. Judy, let me clarify on that. I never sent

1 him anything. It was always taken over by Pat or Diane
2 directly to the office. Well, after 1997, it ceased to be,
3 but during that period of time it was all put in bundles of
4 envelopes, all the stubs, everything, activity for that
5 month, put in a sack and then carried over and then dropped
6 off at Sumpter's office.

7 Q Okay, so when you said "I pulled it,"

8 A I didn't.

9 Q -- you meant DLB, someone from DLB pulled it?

10 A No, I was thinking about the report that we sent
11 to you that had all the copies of all the stuff that went in
12 it. That's what I was thinking about.

13 Q Okay. I'm not talking about what you sent to me.

14 A Yes, ma'am.

15 Q I'm talking about on a monthly basis the documents
16 that were sent to Jim Sumpter.

17 A Correct.

18 Q Did you pull those documents or did someone in
19 your office pull those?

20 A Someone in my office did.

21 Q Okay. Were you aware of what was in those
22 documents?

23 A I had no -- I had no idea and I really didn't care
24 as long as it -- you know, our office took care of it and
25 Sumpter took care of it.

1 Q When I asked you for the approximate number of
2 documents that were sent over to Mr. Sumpter on a monthly
3 basis --

4 JUDGE STEINBERG: Pages.

5 THE WITNESS: Pages.

6 MS. LANCASTER: Pages. Excuse me.

7 BY MS. LANCASTER:

8 Q The approximate number of pages, were you talking
9 about -- I don't know what your answer, which answer, if you
10 were talking about what you gave to me or what you were
11 talking about was sent to Mr. Sumpter.

12 A What I gave to you. I'm sorry.

13 Q Okay. Approximately how many pages of documents
14 were sent to Mr. Sumpter?

15 A Judy, that would be almost impossible to answer.
16 It varied by month and I have no idea. I do know that the
17 package was large.

18 Q All right. If you set the package on the table,
19 when you say "large," large could be, I don't know what
20 large means. Could you give me some estimate?

21 A As high as four to six inches tall.

22 Q Okay. That would probably be hundreds of pages,
23 would that be correct?

24 A Yes, ma'am. Yes, ma'am.

25 Q What does Diane do? What is her function now at

1 the company?

2 A She checks -- now, at this time?

3 Q Mm-hmm.

4 A Writes checks, takes care of the payments of
5 debts, takes care of the payroll checks, takes care of the
6 general part of payment within the company like payroll,
7 equipment, and I think she even does some ordering of parts
8 and stuff like that.

9 Q How does that differ from what she did say five
10 years ago?

11 A Five years ago she never ordered the parts. She
12 helped Pat, and it was kind of a learning process for her to
13 -- what to pay, when to pay it, and look at our accounts,
14 and I don't remember if we did payroll at that time through
15 our system that we have now or not, but it was generally Pat
16 and Diane both working together in that area.

17 Q Would you characterize Diane's progression of
18 duties in the company as being similar to David learning how
19 to do things from you, Diane is learning how to do those
20 functions from Pat?

21 A I would say that's -- that's approximately
22 correct, and I say that because we go through a change in
23 systems, through a computer change or a way we process
24 documents within there. At that time Pat would not be
25 trainer because it would be something new. The new stuff,

1 she picked up from experience and working that way.

2 JUDGE STEINBERG: Who is "she"?

3 THE WITNESS: Diane. I'm sorry.

4 MS. LANCASTER: Let's clarify this for the Judge
5 since we all seem to know who everybody is. I'm not sure
6 the Judge does.

7 JUDGE STEINBERG: I'll find out.

8 MS. LANCASTER: Let's go back just briefly and
9 tell you who the various people are.

10 JUDGE STEINBERG: Oh, I know who they are.

11 MS. LANCASTER: Oh, you do?

12 JUDGE STEINBERG: Oh, sure.

13 MS. LANCASTER: Okay.

14 (Laughter.)

15 JUDGE STEINBERG: But I just look stupid.

16 MS. LANCASTER: I would like to perhaps do that
17 anyway for the record, Your Honor.

18 BY MS. LANCASTER:

19 Q Mr. Brasher, I believe you have already testified
20 that your are married to Pat Brasher?

21 A That's correct.

22 Q And Pat is the president of DLB?

23 A Correct.

24 Q What percentage of the DLB stock does Pat own?

25 A Sixty percent.

1 Q Are you and Pat the only stockholders of DLB?

2 A We are the only stockholders.

3 Q Diane -- strike that. David Brasher is your son,

4 I believe you said.

5 A Correct.

6 Q And Diane Brasher is his wife?

7 A Correct.

8 Q Which would be your daughter-in-law?

9 A Correct.

10 Q Neither of them own any stock in the company, is

11 that correct?

12 A That's correct.

13 Q You have stated that Jim Sumpter is Pat's -- well,

14 Jim Sumpter was your accountant?

15 A Correct.

16 Q He is also your brother-in-law, is that correct?

17 A He's married to my sister-in-law.

18 Q Okay.

19 A So I guess it would be --

20 Q Kind of. Okay. Jim Sumpter's wife is Norma

21 Sumpter?

22 A That's correct.

23 Q And Norma and Pat, your wife, are sisters?

24 A Are sisters.

25 Q Okay. Melissa Sumpter is their daughter, is that

1 correct?

2 A Correct.

3 Q And Jennifer Hill is their daughter, correct?

4 A Correct.

5 Q Carolyn Lutz is also -- there is going to be
6 testimony regarding Carolyn Lutz in this case, or Lutz?

7 A Lutz, whatever that is.

8 Q Again, I mispronounced that probably. Carolyn
9 Lutz is also your wife's sister, is that correct?

10 A Correct.

11 Q So Carolyn Lutz, Pat Brasher and Norma Sumpter are
12 all sisters, is that correct?

13 A Correct.

14 Q Thomas Lewis is their brother, is that correct?

15 A Correct. Correct.

16 Q He is also an employee of DLB, is that correct?

17 A That's correct.

18 Q Oscar Brasher is your brother, is that correct?

19 A Correct. That's right.

20 Q Ruth Bearden was your mother?

21 A That's correct.

22 Q She was also known as Ruth Brasher, is that
23 correct?

24 A Correct.

25 Q And O.C. Brasher is your father?

1 A Correct.

2 JUDGE STEINBERG: And the O stands for Oscar?

3 THE WITNESS: That's correct.

4 BY MS. LANCASTER:

5 Q Also stands for -- his name was Oscar Colquitt?

6 A Oscar Colquitt Brasher.

7 Q Brasher.

8 A He hated that name.

9 Q Who is Ed Bearden?

10 A He was my mother's either half-brother or brother.

11 Q Okay. I want to go back to the duties of the
12 various officers of the company briefly. In 1995 through
13 1996, did Diane perform approximately the same functions
14 that she now performs?

15 A That, plus whatever activities we have now, which
16 is more computerized stuff and things like that.

17 Pat and I are -- we are from the old dinosaur
18 computers, kind of petrify us. So when it came to new
19 computers and new systems, Pat learned how to do it on the
20 front desk and her part, but computers, as they advanced
21 through there, we just -- we knew that Diane and David --
22 Diane at that time knew computers and David, with his
23 background, you know, he could help out if he ever had to
24 with computers.

25 Q David was a manager at IBM prior to coming to DLB,

1 is that correct?

2 A He was an employee. I do not know if he was a
3 manager.

4 Q He worked with computers though.

5 A Yes.

6 Q Is that correct?

7 A Correct.

8 Q In 1995 through 1996, how was the decision made
9 whether or not to apply for additional licenses for DLB?

10 A '95 and '96?

11 Q Mm-hmm.

12 A The decision was because at that time we needed
13 spectrum for a project in which we had the work for, had
14 worked on. We had, we had been approached by some large
15 companies to do the mobile data in certain customers, and if
16 possible, provide some kind of airwaves.

17 Q What customer was that?

18 THE WITNESS: Your Honor, may I ask a question?
19 Customers' information goes public, it's damaging once it
20 reaches our competitors' hands.

21 MS. LANCASTER: This is back in 1995, 1996.

22 THE WITNESS: They are still our customers.

23 JUDGE STEINBERG: I wouldn't -- well.

24 MR. ROMNEY: Well, Your Honor, I would request
25 that to the extent possible, I don't mind him describing

1 what kind of business they are in, or what they were, you
2 know, but if we could leave the names of the customers out,
3 that would certainly help us, at least from the protected
4 standpoint, from the trade secret issue.

5 JUDGE STEINBERG: Do we absolutely need the name?

6 MS. LANCASTER: No. I'll withdraw the question.

7 JUDGE STEINBERG: Would anybody have heard of it?

8 THE WITNESS: Would anyone?

9 JUDGE STEINBERG: In this room? I know it doesn't
10 matter, but I'm just curious.

11 MR. ROMNEY: It's a local company in the Dallas
12 areas that clearly people would know about in the Dallas
13 area.

14 JUDGE STEINBERG: Well, don't people in Dallas
15 know who is providing them with this service?

16 MR. SCHWANINGER: Your Honor.

17 JUDGE STEINBERG: I mean, I'm just asking. I
18 mean, I'm not being argumentative. I'm just asking because
19 presumably competitors would go up and say -- it's a big
20 company, they would say, we would like to, and they say, no,
21 we're happy with DLB.

22 MR. SCHWANINGER: Sometimes yes, sometimes no.
23 The particulars of a given contract, the existence of
24 customers, the codes that are used in order to provide
25 service to those customers, et cetera, I can tell you for a

1 local two-way shop operator, they will customarily go to
2 their grave with their hands wrapped around it to make sure
3 their competitors won't get ahold of it.

4 MS. LANCASTER: I'll move on, Your Honor.

5 JUDGE STEINBERG: Okay.

6 BY MS. LANCASTER:

7 Q So in 1995, when was that that you were approached
8 by this company?

9 A In '95, the first part of '95, in fact.

10 Q Okay. And who made the decision that you needed
11 to get more spectrum?

12 A I do know that all four of the -- David, Diane,
13 myself, we set down, and with our sales manager at that time
14 because he was involved in this, from the circumstances
15 which we knew was happening we could not provide a mobile
16 data for this company, and it was essential that this be
17 provided for them.

18 Q Did you have a deadline within which you needed to
19 get the spectrum?

20 A Yes.

21 Q Okay. And from the time that you were approached
22 by the company in 1995, do you remember -- let me strike
23 that. Do you remember more specifically the date that you
24 were approached by the company?

25 A Not individual dates because we had an opportunity

1 to try to develop a mobile data ourselves.

2 Q Right, but do you remember what month it was, for
3 example?

4 A In '95. I think, Judy, it was the first part of
5 '95.

6 Q Okay. And did you have to give a response to them
7 as to whether or not you would be able to provide this
8 service?

9 A Not right away. We had an opportunity to try to
10 develop a mobile data with them. They had another source
11 that would tie in with their existing computer systems
12 itself. They had to develop the mobile data themselves
13 also, the competitor, the one we did the work for, and it
14 was Command Data, and I'll tell you the data. It is in a
15 batching plant operation, their computers to batch cement is
16 a Command Data.

17 Their mobiles, they wanted something to work with
18 them on figuring out what the truck would hold and when it
19 was delivered and stuff like that. Mobile data would tell
20 us that. Ours was way out of pricing that we had. Command
21 Data kindly subsidized the pricing because they had other
22 systems to be sold to them and did sell to them, and so then
23 we were instructed that Command Data would develop the
24 mobile data. We wanted to install the mobile data and
25 provide the radio service. This is their time they had to

1 get this developed.

2 Q As I understand what you have just testified to,
3 you were approached about installing and servicing,
4 providing that radio service for the mobile data, but the
5 system itself had not been developed when they first
6 approached you?

7 A That's correct.

8 Q So that they were going to try to develop the
9 system and you would need to have the frequency, the
10 spectrum by the time they finished that in order to
11 implement it, is that correct?

12 A That's correct.

13 Q Was there a timeframe discussed when they
14 approached you as to how long it would take them to develop
15 this system so that you would need to have the frequencies
16 by a certain time period?

17 Did you understand that question?

18 A Yes, I did.

19 Q Okay.

20 A To develop a mobile data system from scratch,
21 sometimes the deadlines are, this is the time they need
22 them, but through engineering developing mobile data it
23 never makes that deadline.

24 Q Okay.

25 A We knew that, in '95/part of '96, one of my